

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 16, 2003

DIVISION ONE

[illegible]

The March 27, 2003, order revoking probation in both cases is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B158484 Finch (Not for Publication)
v.
State of California, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B157637 People (Not for Publication)
v.
Hua

The order appealed from is reversed. The case is remanded to the superior court to rule on all the issues presented in appellant's November 6, 2001 motion to vacate the judgment and plea in his case.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

September 16, 2003 (Continued)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B163595 People v. Ramirez
B162157 People v. Flores
B165442 People v. Chirinos
B162931 People v. Menefield
B163562 People v. Joo
B163654 People v. Johnson
B163307 People v. Williams
B160522 People v. Olivares
B163775 People v. Davis
B164274 People v. Remijio
B160935 People v. Uy, et al.
B158578 People v. Pena
B162426 People v. De Los Santos
B164788 Children and Family Services v. Roger E., et al.
B163195 Children and Family Services v. Stella A., et al.
B164001 Children and Family Services v. Andrew H.
B162851 People v. Gilbert E.
B162665 People v. Miles
B163199 People v. Carlos G.
B160927 People v. Morrison

Argument waived, cause submitted.

B161011 Zenith Insurance Company
 v.
 County of Los Angeles

Merits:

Argued by Mark Herskovitz for appellant and by Marvin Benson for respondent. Cause submitted.

DIVISION THREE (Continued)

B159439 People
 v.
 Ortega

Merits:
Argued by Christine C. Shaver for appellant and by Louis W. Karlin,
deputy attorney general for respondent. Cause submitted.

B158247 Zacky
 v.
 Warden, Gart & Galen, et al.

Merits:
Argued by Steve Belilove and Howard Fields for appellants and by David
A. Steinberg for respondent. Cause submitted.

B150292 Roy Al Finance & Co., et al.
 v.
 Prescott, et al.

Merits:
Argued by R. Duane Westrup for appellants and by Martin L. Horwitz for
respondents. Cause submitted.

B160164 Aronoff Brothers, A.B.2, et al.
 v.
 Sherwood Insurance Services, et al.

Merits:
Argued by Scott M. Kolod for appellants and by Timothy Kenna and
Laurie J. Hepler for respondents. Cause submitted.

B160898 Allied Government Services
 v.
 City of Lynwood, et al.

Merits:
Argued by Kendall E. James for appellant and by Agustin Medina for
respondents. Cause submitted.

DIVISION THREE (Continued)

Court recessed at 12:26 p.m.

Court reconvened at 1:45 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray , Deputy Clerk.

B168355 Donald M.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services , r.p.i.)

Merits:

Argued by Anne B. Cushing for petitioner and by Pamela Landeros, deputy county counsel for real party in interest. Cause submitted.

B162738 People
B163967 v.
 Maslan

Merits:

Argued by Patrick D. Moran, deputy district attorney for appellant The People and by Victor Sherman for respondent. Argued by Victor Sherman for appellant Maslan and by A. Scott Hayward, deputy attorney general for respondent. Cause submitted.

B163219 Claremont Police Officers Association
 v.
 City of Claremont, et al.

Merits:

Argued by Michael A. Morguess for appellant and by Richard Kreisler for respondents. Cause submitted.

DIVISION THREE (Continued)

B159518 County of Los Angeles, et al.
v.
Edison International, et al.

Merits:

Argued by Albert Ramseyer, deputy county counsel and Carol Shaw, deputy city attorney for appellants and by John D. Buchanan and Wade Norwood for respondents. Cause submitted.

B139859 Franciscan Hill Homeowners Association, et al.
v.
Valencia Company, et al.

Merits:

Argued by Steven G. Harman and Kent Richland for appellants and by Mark Skapik and Rosemarie S. Lewis for respondents. Cause submitted.

Court adjourned at 5:10 p.m.

DIVISION FOUR

B163687 Los Angeles County, D.C.S. (Not for Publication)
v.
Collins J.

The order for legal guardianship as the permanent plan is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B164393 Los Angeles County, D.C.S. (Not for Publication)
v.
Holly C.

The order terminating appellant's reunification services is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B156713 Rose Efstratios, etc. (Not for Publication)
v.
John Crane, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

B161423 Los Angeles County, D.C.S. (Not for Publication)
B167958 v.
Judith S.
In re Bernard W., et al.

The orders of July 19, 2002, and November 20, 2002, are affirmed. The writ petition is denied.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

September 16, 2003 (Continued)

DIVISION FIVE (Continued)

B167859 Lisbeth M. (Not for Publication)

v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied. Pursuant to California Rules of Court, rule 24(b)(3), this opinion is made final forthwith as to this court.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B160426 People (Not for Publication)

V.
George W. Vetter

The sentence for the residential burglary conviction (count 3) is stayed pursuant to Penal Code section 654, pending the completion of the sentences on counts 4 through 10, and thereafter permanently stayed. The aggregate sentence is reduced to 490 years to life. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B164905 Los Angeles County, D.C.S. (Not for Publication)

V.
Demetrius S.
In re Asia S.

The motion to dismiss the appeal is denied. The orders are affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

September 16, 2003 (Continued)

DIVISION FIVE (Continued)

B162489 People (Not for Publication)
v.
Hong Bao Li, et al.

The judgments are affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B159461 Terri Schiavo (Not for Publication)
v.
Jean Development Co., et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B159701 People
v.
Victoria Garcia

Filed order denying petition for rehearing.

DIVISION SIX

B158910 Staton (Not for Publication)
v.
RR Gable Real Estate, Inc.

The judgment is affirmed. RR Gable is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B164955 Human Resources Agency (Not for Publication)
v.
Patricia H.

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B159764 People (Not for Publication)
v.
Moreno

The judgment is modified to strike the five year enhancement and the \$5,000 restitution fine on count 2. The clerk of the superior court is directed to amend the abstract of judgment accordingly and forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B161188 People (Not for Publication)
v.
Citizen

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

September 16, 2003 (Continued)

DIVISION SIX (Continued)

B158282 Kedzior (Not for Publication)
v.
Martin Atha & Brent Redmond Transportation, Inc.

The judgment is affirmed. Respondents are awarded their costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B161566 State Compensation Insurance Fund (Not for Publication)
v.
Worker's Compensation Appeals Board
Joseph Mike, Respondent

We annul the WCAB's order and opinion and remand for reconsideration and a new decision based on the entire record and our decision in *Barnes*. On remand, the WCAB shall consider and make express findings concerning the following: (1) The exact amount of benefits unreasonably delayed; (2) the length of the delay(s); (3) the effect of Mike's failure to provide correct mileage and other critical information; (4) the insurer's history of prompt payment of medical benefits; and (5) whether the assessment of a \$350,000 penalty (based on the undisputed evidence in the record that Mike's lifetime medical benefits will be \$3.5 million) for delay in reimbursing less than \$1,000 is fair, reasonable, and proportional in the overall scheme of the workers' compensation law and the purposes sought to be accomplished by that law.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B161820 Los Angeles County, D.C.S. (Not for Publication)
v.
Oscar W.
In re Oslyn W., a minor

The orders regarding visitation are reversed and the matter is remanded for the entry of a new visitation order consistent with this opinion. The order of guardianship placing Oslyn with Greta is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
 Johnson, J.

B163606 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
 Woods, J.

B166556 People (Not for Publication)
v.
Lucas

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Munoz, J. (Assigned)

September 16, 2003 (Continued)

DIVISION SEVEN (Continued)

B159207 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B160774 People (Not for Publication)
v.
Perez

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

B163492 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

September 16, 2003 (Continued)

DIVISION SEVEN (Continued)

B156449 People (Not for Publication)
v.
Marshall

The judgment is modified to reflect presentence custody credit of 384 days, 256 actual days and 128 days conduct credit. As modified, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

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The judgment is reversed.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B164660 People (Not for Publication)
v.
West

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

September 16, 2003 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B161298 Katske (Not for Publication)
v.
Katske

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

B159692 Watkins (Not for Publication)
v.
Chinatown Express

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

September 16, 2003 (Continued)

DIVISION SEVEN (Continued)

B157344 Kim, et al. (Not for Publication)
v.
Allstate Insurance Company

The judgment is reversed. The case is remanded for further proceedings not inconsistent with this opinion. The Kim's are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B158490 Sais, Jr. (Not for Publication)
v.
Lee

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B161008 Lampel (Not for Publication)
v.
Partnership Liquidity Exchange

The appeal from December 27, 2001, judgment is dismissed. The appeal from June 21, 2002, order denying appellant's Code of Civil Procedure section 473 motion is affirmed. Respondent is entitled to costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B157413 People (Certified for Publication)
v.
Angela M.

The matter is remanded to the juvenile court with directions to determine whether an evaluation of Angela's special educational needs should be conducted, with the court's findings to be forwarded to the Director of the California Youth Authority in an amended commitment order together with Angela's individualized education program if one is prepared. The order committing Angela to the California Youth Authority is otherwise affirmed.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

B156694 Marigny
v.
Mercury Air Group, et al.

Filed order denying petition for rehearing.